



Staff Report

DISCUSSION AND DIRECTION REGARDING AMENDMENTS TO BELMONT MUNICIPAL CODE CHAPTER TWO, ARTICLE VII, FINANCE COMMISSION

Honorable Mayor and Council Members:

Summary

This staff report sets forth alternatives regarding amendment of the City's Ordinances governing the Finance Commission. This item is on the agenda pursuant to an Item Number Nine request placed on the November 23, 2005 agenda by Councilmember Feierbach.

Staff recommends that the Council review and discuss the current Ordinance and any proposed changes, and provide direction to staff for ordinance amendments.

Background and Discussion

Chapter 2 of the Belmont Municipal Code contains provisions relating to the Administration of the City. Chapter 2 was most recently revised in 2002. Article VII governs the Finance Commission. A copy of the current ordinances is attached hereto as Attachment A.

At the last meeting, the City Council directed staff to review the ordinances relating to the applicant pool for appointees to the commission, the number of commissioners, and the location of commission meetings.

There is no requirement in state law that cities create or maintain Finance Commissions. Cities do have the authority to create such commissions, as Belmont did, and pass local ordinances governing their operation. Accordingly, the City could reduce the number of members on the Commission from nine to some other number by amending section 2-151. If the City Council wishes to consider applicants to the Finance Commission other than those recommended directly by the Finance Commission, it could amend or delete section 2-152. With respect to the location of the Commission meetings, section 2-155 provides that "The regular meetings of the Commission should be held at a date and time set by the Commission." This section could be amended to specify that Commission meetings occur in the City Council chambers, or elsewhere as appropriate.

Fiscal Impact

Staff has not identified any fiscal impact of these proposed changes.

Public Contact

Posting of City Council agenda.

Recommendation

Staff recommends that the Council provide direction regarding the issues raised in this report so the ordinance can be revised and brought back for introduction at the next available meeting.

Alternatives

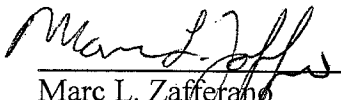
The City Council may wish to direct staff to pursue one of the following alternatives:

1. Leave the ordinance as it is.
2. Make changes other than those suggested by staff.

Attachments

- A. Chapter 2, Article VII

Respectfully submitted,


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ATTACHMENT A

Belmont Municipal Code Chapter 2, Article VII

Sec. 2-126. Performance bonds.

The city council shall have authority to require a performance bond before entering a contract in such amount as it shall find reasonably necessary to protect the best interest of the city. If the city council requires a performance bond, the form and amount of the bond shall be described in the notice inviting bids.

(Ord. No. 978, § 1, 3-26-02)

Sec. 2-127. Specifications for public works.

The standard specifications of the city regulating the award and execution of contracts for the construction of public works and the construction of public works within the city printed in book form filed in the office of the city clerk, are hereby adopted and by reference incorporated herein as if fully set forth, except as hereinafter otherwise provided, as the "Standard Specifications Ordinance for Public Works of the City of Belmont."

The standard specifications may be amended, modified, altered or changed by a resolution duly adopted by the city council.

(Ord. No. 978, § 1, 3-26-02)

Secs. 2-128—2-132. Reserved.**DIVISION 3. OPEN MARKET PROCEDURES****Sec. 2-133. Authorized.**

Purchases of supplies, equipment and professional services of an estimated value in the amount of five thousand dollars (\$5,000.00) or less may be made by the purchasing officer in the open market without observing the procedure prescribed by division 2 of this article.

(Ord. No. 978, § 1, 3-26-02)

Sec. 2-134. Minimum number of bidders; to whom let.

Open market purchases shall, whenever possible, be based on at least three (3) bids and/or proposal and shall be awarded to the lowest responsible bidder and/or proposal in the best interest of the city.

(Ord. No. 978, § 1, 3-26-02)

Sec. 2-135. Solicitation of bids.

The purchasing officer shall solicit bids by written requests to prospective vendors or by telephone and prospective vendors may place their name on the city's list of vendors to be considered for appropriate bids and proposals.

(Ord. No. 978, § 1, 3-26-02)

Sec. 2-136. Submission and record of bids.

Sealed written bids and/or proposals shall be submitted to the purchasing officer who shall keep a record of all open market orders, bids and proposals. Records while so kept shall be open to public inspection.

(Ord. No. 978, § 1, 3-26-02)

Secs. 2-137—2-147. Reserved.**ARTICLE VI. RESERVED****Secs. 2-148—2-150. Reserved.****ARTICLE VII. FINANCE COMMISSION****Sec. 2-151. Commission created; composition.**

There is hereby created a finance commission consisting of nine (9) members who shall be appointed by the city council and residents of the City of Belmont throughout their term. Except as herein provided no officer or employee of the city shall be eligible for appointment to membership on this commission.

(Ord. No. 978, § 1, 3-26-02)

Sec. 2-152. Procedure for appointment to the commission.

Appointment of commission members shall be made by the city council from recommendations submitted by the finance commission.

(Ord. No. 978, § 1, 3-26-02)

Sec. 2-153. Terms of finance commissioner; vacancies.

Members of the commission shall serve for a term of three (3) years without compensation.

Appointments shall be for a term of three (3) years commencing on the first day of March and ending on the last day of February.

Vacancies on the commission occurring otherwise than by expiration of a term of office shall be filled by the city council for the unexpired term of the commissioner ceasing to be a member of the commission.

(Ord. No. 978, § 1, 3-26-02)

Sec. 2-154. Officers of the commission.

The members of the commission shall meet in regular session and elect from their members a chairman and vice-chairman. The duties of such officers shall respectively be such as are usually performed by such officers. Officers shall hold office for one (1) year or until their successors are elected.

(Ord. No. 978, § 1, 3-26-02)

Sec. 2-155. Commission rules of procedure; meetings.

The commission shall adopt rules and regulations to govern its procedure. The regular meetings of the commission shall be held at a date and time set by the commission. Notice of commission meetings shall be given as required by the Government Code.

(Ord. No. 978, § 1, 3-26-02)

Sec. 2-156. Quorum for commission; effect of absences.

A majority of the regular voting members of the commission shall constitute a quorum. Absence from three (3) consecutive regular meetings, without the approval of the commission shall be deemed to constitute retirement of such member and the office may be declared vacant by the commission.

(Ord. No. 978, § 1, 3-26-02)

Sec. 2-157. Commission minutes.

Minutes of the commission's meetings shall be kept and shall be filed with the city clerk. Copies shall be made available to the city manager and members of the city council.

(Ord. No. 978, § 1, 3-26-02)

Sec. 2-158. Commission duties.

The duties of the commission shall be:

- (1) Participate in the budget review process.
- (2) As requested by the city council, based on financial considerations, evaluate proposals, programs and contracts for both the long and short term financial consequences, assess alternatives and make appropriate recommendations.
- (3) Serve as the audit committee for the city council.
- (4) Conduct an annual review of the city's investment policy.
- (5) Perform such other duties as may be assigned to the commission by the city council.

(Ord. No. 978, § 1, 3-26-02)

Sec. 2-159. Reserved.

ARTICLE VIII. PLANNING COMMISSION

Sec. 2-160. Commission created; composition.

There is hereby created a planning commission consisting of seven (7) members who shall be appointed by the city council and residents of the City of Belmont throughout their term. Except as herein provided no officer or employee of the city shall be eligible for appointment to membership on this commission.

(Ord. No. 978, § 1, 3-26-02)

Sec. 2-161. Terms of planning commissions; vacancies.

Members of the planning commission shall serve a term of three (3) years without compensation. The city council shall appoint planning commissioners to fill the offices as the terms of the members expire. Appointments shall be for a term of three (3) years commencing on the first day of March and ending on the last day of February. Vacancies in the commission occurring otherwise than by expiration of a term of office

shall be filled by the city council for the unexpired term of the commissioner ceasing to be a member of the commission.

(Ord. No. 978, § 1, 3-26-02)

Sec. 2-162. Powers and duties of commission.

It shall be the function and duty of the planning commission to do all things necessary and proper within its jurisdiction to carry out the intent and purposes of the state Government Code, and when so required, to perform such other acts and do all manner of things which it may be lawfully required to do or perform as set forth in the City's ordinances.

(Ord. No. 978, § 1, 3-26-02)

Sec. 2-163. Subdivision ordinance saved from repeal.

Nothing contained in this Code or in the ordinance adopting this Code shall be construed to repeal or otherwise affect the subdivision ordinance of the city, being Ordinance Number 530, adopted March 8, 1974, as from time to time amended, and said ordinance as amended is hereby continued in full force and effect.

(Ord. No. 978, § 1, 3-26-02)

Sec. 2-164. Zoning ordinance saved from repeal.

Nothing contained in this Code or in the ordinance adopting this Code shall be construed to repeal or otherwise affect the zoning ordinance of the city, being Ordinance Number 360, adopted March 27, 1967, as from time to time amended, and said ordinance as amended is hereby continued in full force and effect.

(Ord. No. 978, § 1, 3-26-02)

Secs. 2-165—2-169. Reserved.

ARTICLE IX. PARKS AND RECREATION COMMISSION

Sec. 2-170. Commission created; composition.

There is hereby created a parks and recreation commission consisting of nine (9) members who

shall be appointed by the city council and residents of the City of Belmont throughout their term. Two of the nine (9) commissioners shall be at least thirteen (13) years old, and no more than seventeen (17) years old at the time of appointment (i.e., "youth commissioners") and must present parental consent to be considered for appointment. Except as herein provided no officer or employee of the city shall be eligible for appointment to membership on this commission.

(Ord. No. 978, § 1, 3-26-02)

Sec. 2-171. Terms of recreation and park commissioners; vacancies.

Youth commissioners shall be appointed for one (1) year. All other appointments shall be for a term of two (2) years. All terms shall commence on the first day of March and end on the last day of February. Vacancies in the commission occurring otherwise than by expiration of term of office shall be filled in the manner herein set forth for the unexpired term of the commissioner ceasing to be a member of the commission.

(Ord. No. 978, § 1, 3-26-02)

Sec. 2-172. Officers of commission.

At the first regular meeting, following the first day of March of each year, or as soon thereafter as possible, the members of the commission shall elect from their members a chairman and a vice-chairman. The duties of such officers shall respectively be such as are usually performed by such officers. Such officers shall hold office for one (1) year or until their successors are elected.

(Ord. No. 978, § 1, 3-26-02)

Sec. 2-173. Commission rules of procedure; meetings.

The regular meetings of the commission shall be held at a date and time set by the commission. Notice of commission meetings shall be given as required by the Government Code.

(Ord. No. 978, § 1, 3-26-02)

Sec. 2-174. Quorum for commission; effect of absences.

A majority of the regular members shall constitute a quorum. Absence from three (3) consec-